

AN ACT

relating to the managing underwriters for surplus lines insurance transactions and to the collection of surplus lines insurance premium taxes for those transactions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 225.006, Insurance Code, is amended to read as follows:

Sec. 225.006. COLLECTION OF TAX BY AGENT. (a) The surplus lines agent shall collect from the insured the tax imposed by this chapter at the time of delivery of the cover note, certificate of insurance, policy, or other initial confirmation of insurance and the full amount of the gross premium charged by the eligible surplus lines insurer for the insurance.

(b) Notwithstanding any other law, a surplus lines agent that places an insurance policy with a managing underwriter, as defined by Section 981.002, shall collect, report, and pay the tax imposed by this chapter.

SECTION 2. Section 981.002, Insurance Code, is amended by adding Subdivision (1-a) and amending Subdivision (4) to read as follows:

(1-a) "Managing underwriter" means a surplus lines agent or agency that exercises, pursuant to a written agreement with an eligible surplus lines insurer, underwriting authority for the eligible surplus lines insurer and that derives the agent or

1 agency's business from a surplus lines agent.

2 (4) "Surplus lines insurance" means insurance  
3 coverage:

4 (A) for a subject that is resident, located, or  
5 to be performed in this state; and

6 (B) that may be placed, in accordance with this  
7 chapter, with an eligible surplus lines insurer or the insurer's  
8 managing underwriter.

9 SECTION 3. Subchapter E, Chapter 981, Insurance Code, is  
10 amended by adding Section 981.223 to read as follows:

11 Sec. 981.223. MANAGING UNDERWRITERS. (a) A managing  
12 underwriter with whom an insurance policy is placed in the manner  
13 described by Section 225.006(b) shall maintain appropriate records  
14 and make the records available for inspection by the department and  
15 the comptroller, including records of:

16 (1) the name and address of the insured;

17 (2) the policy number and policy period;

18 (3) the name of the eligible surplus lines insurer;

19 (4) the gross premium charged for the insurance;

20 (5) the name of the surplus lines agent who placed the  
21 policy with the managing underwriter;

22 (6) the license number of the surplus lines agent who  
23 placed the policy with the managing underwriter; and

24 (7) documentation that the managing underwriter has  
25 transmitted to the surplus lines agent written confirmation of the  
26 agent's written agreement to act as the agent for the placement of  
27 the policy and be responsible for all filing, reporting,

1 collection, and payment requirements imposed by this chapter and by  
2 Chapter 225.

3 (b) A managing underwriter who acts as a surplus lines agent  
4 for a policy issued by an eligible surplus lines insurer shall  
5 maintain appropriate records and make the records available for  
6 inspection by the department and the comptroller, including the  
7 information listed in Subdivisions (a)(1) through (6). The records  
8 must reflect the name and license number of the managing  
9 underwriter as the surplus lines agent placing the policy.

10 (c) A managing underwriter may hold both a surplus lines  
11 agent license and a managing general agent license.

12 SECTION 4. This Act takes effect January 1, 2012.

H.B. No. 3410

David Dewhurst

President of the Senate

Joe Straus

Speaker of the House

I certify that H.B. No. 3410 was passed by the House on May 13, 2011, by the following vote: Yeas 143, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3410 on May 23, 2011, by the following vote: Yeas 143, Nays 0, 3 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 3410 was passed by the Senate, with amendments, on May 20, 2011, by the following vote: Yeas 30, Nays 0.

Aetsy Saw

Secretary of the Senate

APPROVED:

17 Jun '11

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4PM O'CLOCK

JUN 17 2011

Boyd R. Davis

Secretary of State